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DIVISIONAL FOREST OFFICE
SOUTHERN CIRCLE.
WORKING PLANS PARTY II.

FOREIGN SERVICE AND SERVICE UNDER LOCAL FUNDS.

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1. The term "Foreign Service" as used without qualification in Article 530 (*i*) of the Civil Service Regulations includes each and all of the three kinds of service described as 'foreign.' (G. R. No. 3601, dated 29th October 1890.)

2. The lines which distinguish the three classes of foreign service necessarily give rise to doubts as to the treatment of transfers on the border of each line, and it is desirable that Government should express an opinion on the distinction.

In the first place the broad distinction between the first class of foreign service and the second and third classes is clear. In the first class the transferee ceases for the time to be in the service of Government, and is lent to some other employer. In the second and third classes the transferee practically remains in the service of Government, who employ him to do work at the cost of some other State or body. The distinction between the second and third class appears to be this, that in the former case Government employ the transferee temporarily at the cost of funds over which they have temporary control, and for the purpose of exercising such temporary control or trust; whilst in the case of the third class, Government are providing for work that permanently devolves on them and exercising their habitual supervision and control, but they recover the cost of the additional establishment from the bodies or funds which are primarily chargeable with the administrative expenditure involved in their interests. The Thanádárs who exercise, under the direct control and supervision of the Political Agent, Káthiáwár, their functions in circles under British jurisdiction or administration constitute service of the third kind.

The case of a State under temporary administration cannot be confounded with third class service, but it may raise difficulties as to whether the transferees are performing service of the first or of the second kind. The test must be whether the appointment is specially due to the special control or trust. The Native State under temporary control may require its ordinary complement of executive officers, and beside them may require the creation of a particular temporary appointment or appointments exclusively due to the control which Government has obtained over its funds. For instance, the State required before its attachment an Executive Engineer, and even without the existence of a special control and trust would require the loan of a Government servant. In that case the transfer should be viewed as of the first class, inasmuch as the Engineer would be required even if the State reverted to the control of its own ruler. But the appointment of an Administrator or a Joint Kar-

bhári, appointed to exercise for Government its temporary control or trust, would properly fall under the second class. (G. R., P. D., No. 2288, dated 9th April 1891.)

3. British officers on leave are not permitted to accept service in a Native State without the sanction of Government. If a Native State desires to obtain the services of a British officer, whether on duty or on leave, formal application should be made in the usual manner through the Political Agent. (G. R., P. D., No. 4681, dated 13th August 1886.)

4. No gazetted officer of Government, who is in receipt of furlough or leave allowance, may, without the special orders of the Government of India, take service under any other employer in India, and no such officer, whose services have been lent to any other employer in India, can take leave or obtain leave allowances from the Government of India, unless he actually quits his employment for the period of such leave. In the case of a non-gazetted officer the previous consent of his departmental superior is sufficient authority for the taking of leave with the object of obtaining such employment and for the acceptance of such employment during leave. (G. I., F. & C., No. 2256 P., dated 17th May 1899; *vide* G. R. No. 2635, dated 6th June 1899.)

5. Officers of Government in foreign service who, when on leave, draw from Government leave allowances as laid down in Article 835 (*a*) and (*b*) of the Civil Service Regulations, may not also draw in addition leave allowances from the foreign employer. (G. R., G. D., No. 2238, dated 7th June 1890.)

6. The sanction of the Local Government is not necessary to increases of salary given according to any rules or orders of Government to officers in foreign service of the second kind. All such increases of salary should be reported to Government with a view to their being included in the quarterly return submitted to the Secretary of State. (G. I., F. & C., No. 2912, dated 12th June 1889; *vide* G. R., P. D., No. 4648, dated 6th July 1889.)

7. It is absolutely necessary for the proper control of foreign service that the rules laid down in the Civil Service Regulations should be exactly followed, and in cases of foreign service of the third kind that the Accountant General should be informed of each establishment sanctioned, whether the sanction is for a permanent establishment or a temporary deputation. (G. R., P. D., No. 7616, dated 18th November 1889.)

8. Under Article 838 of the Civil Service Regulations and Government of India, Finance and Commerce Department, letter No. 5329, dated the 29th September 1888, the pension and leave of an officer on foreign service, whether acting or permanent, are regulated by the rules which apply to the officers of the British Government.

Many cases may arise in which an officer has to pay contribution upon an increase of salary without pensionary benefit. The proviso to Article 823 supplies one instance, and the case of a Local Fund servant under the age of 22 who contributes, though his service does not count, may be added as a somewhat similar case. (G. R. No. 5041, dated 24th December 1889.)

9. When an officer is transferred to foreign service for a specified period under the orders of the Government of India, the sanction of the Supreme Government is necessary to any extension of the term. (G. I., For. D., No. 945-G., dated 5th June 1890; *vide* G. R., P. D., No. 3918, dated 20th idem.)

10. No Subordinate Judge who has been transferred to foreign service under the new rules can claim, under the terms of Article 808 (*b*) (*i*), Civil Service Regulations, grade promotion as due on the mere ground of seniority and without the recommendation of the High Court. (G. I., H. D., No. 1617, dated 3rd November 1890; *vide* G. R., J. D., No. 6689, dated 1st December 1890.)

11. Article 615 (*b*) of the Civil Service Regulations has been intentionally restricted to foreign service of the first and second kinds. (G. I., F. & C., No. P.-2228, dated 24th May 1893; *vide* G. R. No. 2637, dated 29th July 1893.)

12. Her Majesty's Secretary of State has drawn the attention of the Government of India to the frequent use in a correspondence relating to an officer whose services were lent to a Native State of erroneous expressions implying that contributions towards pension and leave allowances are paid by a Native State or a body financially independent of the Government of India, and not by the officer whose services are transferred to such a State or body. Under the rules the officer himself is bound to pay the contribution, and this fact should be borne in mind in all references to the contributions referred to. (G. I., F. & C., No. 3404, dated 17th September 1884; *vide* G. R. No. 3321, dated 9th October 1884.)

13. Under the Treaty of 1862 the Rája of Kolhápur has to pay the salaries of the Political Agent and his establishment as long as it may be considered necessary. If such payment were now being instituted, it would be in accordance with the rule to include leave and pension contribution, but as the payment has been made under treaty and has hitherto not included contribution, it should not be added now. Moreover, the Government of India in their letter No. 463-F., dated 18th August 1875, distinctly exempted* Political officers then employed in Sávantvádi and Kolhápur and officers thereafter appointed to the same posts, and the exemption should be extended to the establishment. From 1st April 1890 the cost of the establishment should be

* *Vide* Art. 525 of the Civil Service Regulations.

charged wholly to the General Revenues under the Accountant-General's audit, the recovery from the Kolhápur State being brought to account by deduction in the accounts and estimates. (G. R. No. 1297, dated 16th April 1890.)

14. The States of Sávantvádi and Kolhápur should make over to the British Government all savings accruing from temporary arrangements, which result in the tenure of the political appointments in those States by officiating incumbents. The rule that any saving arising from the absence of a permanent officer accrues to his employers does not apply to such exceptional arrangements as the cases of Political officers employed in the States named. (G. I., F. D., No. 848, dated 25th May 1877; *vide* G. R. No. 2637, dated 8th June 1877.)

15. In the case of incumbents who were on the Bombay University Establishment in June 1877 and to whom pension is granted partly for service in the University and partly for previous service in a Government office the Government will bear a share of the cost in respect of the latter service, according to the rule of proportion, but if pension is earned by service in the University only whether before or after June 1877, the whole cost must be borne by the University. (G. I., F. & C., No. 980, dated 22nd February 1889; *vide* G. R. No. 1191, dated 22nd March 1890.)

16. The public bodies referred to in Article 805 of the Civil Service Regulations do not include such bodies as the Ahmednagar Education Society and the Administrators of the Rustomji Jamsetji Jijibhoy School Fund. (G. I., H. D., No. 172, dated 13th June, 1890; *vide* G. R., E. D., No. 1436, dated 8th July 1890.)

17. No contribution should be accepted from any body appointed to service under the Jetpur Táluka Court, unless he is an officer transferred from the British service, and an officer so transferred will be held to be in foreign service of the first kind. (G. I., For. D., No., 1068-G., dated 16th July 1891; *vide* G. R., P. D., No. 6556, dated 20th August 1891.)

18. The rule in Article 809 (*c*) prohibits the payment of contribution to the Local Fund as well as to General Revenues. It is, however, desirable to make an exception to this rule in favour of officers paid from and rendering pensionable service under a Patvári Fund. Cases are likely to occur in which it will be desirable to lend to Native States officers who are paid from Patvári Funds. Some Native States are taking up the questions of land-revenue settlement and the maintenance of land records. It may be possible to assist them by lending them officers trained in British India. Also Patvári Funds are more than any other Local Funds purely subsidiary to general revenues, and this intimate connection renders it desirable that freedom of

transfer should be possible. Under these circumstances, in cases of transfer to foreign service of officers paid from and rendering pensionable service under Patvári Funds, the officers should be permitted to make contributions to General Revenues, and their foreign service should qualify for pension as if paid from General Revenues. (G. I., F. & C., No. 1850-P., dated 12th April 1896; *vide* G. R. No. 1924, dated 4th June 1896.)

19. Civil Engineers in foreign service should throughout their foreign service pay contribution for leave allowances and pension, irrespective of the maximum limit laid down in Article 809 (*a*), (i) of the Civil Service Regulations. (G. I., F. & C., No. 84-P., dated 7th January 1897; *vide* G. R., P. W. D., No. 65-E.-281, dated 19th February 1897.)

20. The appointments noted in the margin are declared to be foreign service of the third kind. But this arrangement is not intended to affect the custom of consulting the representatives of the States before making the appointment of Railway Magistrate. (G. R., P. D., Nos. 6439, dated 27th September 1889, and 1169, dated 19th February 1890.)

1. Railway Magistrate, B.-G.-J. P.-Railway.
2. Shirestedár to ditto.
3. Kárkun „ ditto.
4. Railway Clerk in the office of the Political Agent, Káthiáwár.

21. No contribution in respect of leave and pension should be recovered on account of the establishment of the Collector and Political Agent, Khándesh, employed for superintending the estates of the Mewás Chiefs. (G. R. No. 4259, dated 21st October 1889.)

22. All service paid for by the Mewási Fund will be foreign service, third kind. Any transfers from this service to foreign service, first or second kind, will require the previous sanction of Government, and first appointments to the Mewási Fund establishments will be regulated by any rules affecting the establishment of the Collector, who can transfer to and from his own establishment at his discretion. (G. R., P. D., No. 7607, dated 21st October 1891.)

23. Establisments in foreign service of the third kind being treated as Government establishments, the confirmation of the Financial Department is necessary to creations of new appointments in foreign service of that kind and to increases in the pay of men in such service. (G. R. No. 1006, dated 21st March 1890.)

24. The following establishments are considered to be foreign service of the third kind from the dates noted against each:—

Thánadárs in Káthiáwar and their establishment from 1st December 1889.

Thánadárs in Pálanpur and their establishment from 1st April 1889.

Thánadárs in Mahi Kántha and their establishment from 15th July 1891.

Employés paid from the undermentioned Local Funds of Káthiáwar from 1st December 1889:

Institution Fee Fund.		Consolidated into one Fund called the Consolidated Local Fund from 1st April 1889.
Registration	,,	
Agency Gazette	,,	
Civil Station	,,	
Mohsali	,,	
Infanticide	,,	
Japti	,,	

(G. R., P. D., No. 3742, dated 8th June 1892.)

25. The travelling allowances as well as the salaries of the establishments in foreign service of the third kind of the Consolidated Local Fund and Thána Funds who are appointed and controlled by the Political Agent, Káthiáwár, should in the first instance be disbursed from the treasury, both being recovered together. (G. R. No. 2477, dated 15th June 1892.)

26. The Government of Bombay is authorized to sanction transfers of Local Fund employés in foreign service of the third kind in Káthiáwár to foreign service of the first kind although they do not possess the ten years' qualifying service under Government prescribed by Article 806(*iii*) of the Civil Service Regulations, on the understanding that the Local Fund service of the employés referred to, prior to the 22nd November 1889, together with their subsequent service amounts to ten years (Article 806 *iii*), and that the Government of Bombay is otherwise competent to sanction the transfers.

When applying to Government for sanction to the transfer of these employés to foreign service of the first kind, the Political Agent, Káthiáwár, should be careful to satisfy himself that the conditions on which such transfer may be allowed, have been fulfilled. (G. I., For. Dept., No. 1478-G., dated 31st August 1892; *vide* G. N., P. D., No. 5990, dated 23rd September 1892.)

27. The Government of Bombay is authorized to sanction, without reference to the Government of India, the transfer of Local Fund employés in Káthiáwár to foreign service of the second kind and the transfer of Local Fund employés in other Political Agencies to foreign service of the first and second kind, although they may not possess ten years' qualifying service under Government as prescribed by Article 806 (*iii*) of the Civil Service Regulations, on the understanding that the Local Fund service of the employés concerned prior to the 22nd November 1889, together with their subsequent service, amounts to ten years (Article 806 *iii*) and that the Government of Bombay is otherwise competent to sanction the transfers. (G. I., For. Dept., No. 1039 G., dated 5th July 1897; *vide* G.R., P. D., No. 4622, dated 26th idem.)

28. No contribution for pension and leave allowances need be levied in respect of the Surat and Bulsár City Survey establishments. (G. R., R. D., No. 2170, dated 24th March 1893.)

29. The inclusion of the establishments of the Jails and Lock-ups at the Wadhwán, Songadh and Jetalsar Stations in the category of foreign service of the third kind is sanctioned with effect from the 1st January 1894. (G. R., P. D., No. 934, dated 13th February 1894, and G. M. No. 687, dated 20th idem.)

30. Half the pension charge (in the shape of the usual contribution) should be levied from Local Funds on the moieties of salaries paid on account of revenue establishments employed on work in connection with the keep and feed of Government stallions. (G. R. No. 839, dated 2nd March 1889.)

31. The Accountant General, having objected to the payment made by a Municipality on the 16th December 1887 of pension contribution for the entire period from the 1st April 1885 to the end of October 1887 on behalf of certain teachers who were originally employés of Local Funds, but who were on the 1st April 1885 transferred to municipal service in Násik in connection with the transfer of primary education to Municipalities, and raised the question whether, in view of the fact that the pension contribution was not paid for more than 12 months, the teachers referred to should be allowed to contribute at all, and whether the contribution paid in December 1887 should not be refunded, the teachers being deprived of all claims for pension from Government, the Government of India ruled that, subject to the conditions prescribed in Article 863, Rule 2, of the Civil Service Regulations, arrear contributions, with interest at the rate of 4 per cent. per annum up to the date of payment, might be accepted in such cases. (G. I., H. D., No. 296, dated 6th July 1889; *vide* No. 3069, dated 13th August 1889.)

32. The permanent arrangement offered by Article 863 of the Civil Service Regulations for contributing for pensions must include all permanent employés of the Local Board which accepts the arrangement, irrespective of the date of commencement of service. No departure from this condition can be allowed, nor any compromise permitted. (G. R. No. 1406, dated 26th April 1890.)

33. So long as the administrators of Local Fund keep the Accountant General duly informed of all changes in their establishments, and so long as they pay, under the general permission accorded by Government, a contribution equal to one-ninth of the salaries, no further sanction of Government is necessary to administrative changes in the constitution of Local Fund establishments on behalf of which the administrators have accepted the perma-

nent arrangement for pension contribution prescribed by Article 863 of the Civil Service Regulations. (G. R. No. 2007, dated 10th June 1890.)

34. Grant-in-aid dispensaries are held to be in the category of Excluded Local Funds, and service in them is foreign service within the meaning of Article 33 of the Civil Service Regulations. As the Civil Branch of the medical establishment is under civil rules, the Civil Service Regulations are applicable to Hospital Assistants. (G. R. No. 2312, dated 7th July 1890.)

35. Permission is granted under Article 863, Note 2 (*b*), Civil Service Regulations, authorizing the Educational Inspectors to arrange, under the usual rules, for the tranfers, in the interest of the public service, of teachers drawing pensionable pay from Local Board to Municipal service and *vice versâ*, and from the service of one Municipality to that of another Municipality. (G. R., E. D., No. 1747, dated 19th August 1890.)

36. Under Section 46 (c) of the Local Boards Act each Local Board has to defray the charges on account of the Local Fund establishments in the offices of Commissioners, Collectors and Educational Inspectors. A consolidated recovery on account of these charges may be made annually in advance on the following principles, provided that the sums recovered from the several Local Boards are 'sums from time to time fixed by Government' on the several accounts named in Section 46 (*c*), and provided that each claim against a Local Board 'be supported by an acknowledgment of receipt,' as required by No. 42 (2) of the Local Boards Rules :—

(1) The total amount to be recovered should be calculated by the Accountant-General's office ;

(2) It should include (*a*) the amount due on account of pay and pension contribution in accordance with Article 854 of the Civil Service Regulations, (*b*) travelling allowances and contingent charges calculated on the average expenditure during the last three years.

(3) The Commissioners and Educational Inspectors should communicate to the Accountant General the proportion in which the total cost should be distributed among the Local Boards in each division ;

(4) The amount due from each Local Board on all these accounts should be recovered annually in the month of April by the Accountant-General's office in direct communication with the Local Board.

(5) "No prior adjustments of savings on, and excesses over, recoveries from Local Boards need be made, but any Board which considers that it has a substantial claim on account of

a considerable difference over recovered should submit the same. No difference which does not amount to 10 per cent. will be regarded as 'considerable.'

With reference to the proposal made to the Government of India that this procedure should be made applicable to recoveries of sums due from the Boards on account of payments made in excess of the amounts recovered from them in advance, it has been ruled by that Government that it should be possible to make, at the commencement of each year, a sufficiently close estimate of the expenditure to be incurred and the recoveries to be made, and that if the advance payment by Local Boards is based on this estimate it should be taken as sufficiently accurate on both sides without subsequent examination in ordinary cases of its accuracy with reference to the actual expenditure incurred."

The grants-in-aid to Local Boards may be reduced by the amounts due on account of the Educational Inspectors' establishments. The amount to be set off against each district will be settled by the Accountant General in communication with the Director of Public Instruction. (G. Rs. No. 1536, dated 2nd April 1892, No. 3029, dated 9th September 1896, and No. 3817, dated 6th September 1897.)

37. The recoveries of the sanctioned cost of vaccinators should be made in a lump sum in advance annually and the adjustments on account of the balances at the end of each year on account of pay of the vaccinators due to or from Local Funds should follow the limits prescribed for the Local Fund establishments in the Collector's and Commissioners' offices. (G. R. No. 3029, dated 9th September 1896.)

38. The matter of contributing for pension in respect of Local Board peons is one which ought to be left to the discretion of the Local Boards. (G. R. No. 2250, dated 31st May 1892.)

39. Payments which the administrators of a Local Fund are permitted to make under Article 863, Civil Service Regulations, to Government as contribution for pensions from the General Revenues are calculated upon the sanctioned salaries of the appointments in respect of which contribution is paid, irrespective of the question whether the appointments are actually filled up or not, the amount thus received being held as equivalent to the risk undertaken by Government. If, however, District Local Boards are allowed to entertain servants on a temporary footing outside the permanent establishment, to abstain from paying contributions for their pensions in the first instance and to subsequently bring them on the permanent pensionable establishment on payment of such contributions with retrospective effect, Government will be undertaking risks which are not adequately covered by the rate of contribution levied. In all cases which are of the nature

of an insurance against risk, it is essential that the premiums should be paid while the risk is still wholly contingent. It is against the principles of insurance payments that an insurer should be allowed to wait for a time after the risk commences, in order to see whether it is worth his while to make the insurance. (G. I., H. D., No. 22, dated 19th February 1896; *vide* G. R., G. D., No. 1145, dated 10th March 1896.)

40. It is an extremely rare proceeding to declare, as a reward of good service, that a man's non-pensionable service shall count for pension, and it does not seem advisable to permit that to be done in the case of service under Local Boards which is practically inadmissible in the service of Government. To attach a pension to service which was at the time quite understood to be non-pensionable, is a purpose for which the system of contributions was not intended, and is a liability which the amount of contribution would not cover. (G. I., H. D., No. 376, dated 11th December 1896; *vide* G. R., E. D., No. 274, dated 11th February 1897.)

41. Any rules which may be framed under the various Local Self-government enactments for regulating the grant of pensions to officers employed by Local and Municipal Boards should be submitted for the consideration of the Government of India before promulgation. (G. I., H. D., Public, No. 1863-65, dated 12th November 1884; *vide* G. R. No. 4112, dated 22nd December 1884.)

42. The pensions and gratuities admissible to servants of a Local Body should in all cases be limited to an amount not exceeding that payable under the provisions of the Civil Pension Code to a servant of the State for similar service. It should be understood by all Local and Municipal Boards that this rule is to be observed, and that generally the Government Regulations on the subject of pensions and similar matters are those which should be followed in order to secure the approval of Government. (G. I., H. D., Public, No. 1863-65, dated 12th November 1884, and G. R. No. 4112, dated 22nd December 1884.)

43. Officers who are transferred from qualifying service under Government to temporary service under a Plague Committee constituted by the orders of the Local Governments need not be treated as on foreign service of any kind, but may be allowed the benefit of continuing to reckon such temporary service as qualifying not withstanding that it may be paid from Local or Municipal Funds. (G. R. No. 3000, dated 5th July 1898.)

44. The principles which regulate the transfer of officers to the service of Native States and public bodies are stated below.

As explained in Article 805, Civil Service Regulations, the Government of India do not lend their own officers to a foreign employer, unless it can be shown that the latter cannot otherwise obtain com-

petent officers, and that political or public considerations require that the foreign employer should be assisted by the Government. Where these conditions are not satisfied, an officer of the Government, who in his own interests seeks to be transferred to foreign service, must be content to forfeit all claims on the British Government.

When, however, the loan of an officer is justifiable on public grounds, a further question arises as to the particular officer to be selected; and on this point the Government of India have laid down the rule that (with certain specified exceptions) the officer chosen shall have had ten years' qualifying service. It is opposed to the policy of Government to incur pensionary liabilities on account of officers who have abandoned their service. In the case, however, of officers who, by a substantial term of service prior to transfer, have established pensionary claims on the Government, which they cannot without hardship be required to forfeit, the Government accept contributions and undertake a continued responsibility for pension. But they cannot undertake this responsibility, as they have been asked to do, on behalf of officers of only three, two and even one year's service. The limit, which is necessarily an arbitrary one, has been fixed at ten years, and it is desirable that this limit should be adhered to in all but clearly exceptional cases, even though its application may occasionally cause some difficulty in obtaining a suitable and willing officer.

It occasionally happens, especially in the cases of officers on low pay, that an officer is transferred from pensionable service to foreign service or service under a Local Fund, and the necessity for the payment of contribution is overlooked. Many years afterwards, when he is about to retire, it is found that his claims to pension have been forfeited by an omission of which both he and his superiors were unaware, and the Government are asked to accept arrear contributions on his behalf. It is at the same time represented, and correctly, that the case is one of considerable hardship, as the officer may have been transferred as a matter of routine posting, with no increase of pay or other advantage to himself. Again, officers of Government sometimes accept transfer to foreign service on a considerably enhanced salary and pay no contributions. The presumption is that they understood at the time that their service under the foreign employer would not count for pension, but accepted the position in view of the immediate increase of salary. At the end of their service, however, they ask to be permitted to revive their title to pension by the payment of contributions in arrear, or the offer to make such payment is made by the municipality or other body employing them, with the object of rewarding a long period of satisfactory service by the grant of pension.

In almost all such cases the Government of India find themselves compelled to refuse the concession asked for. Pension contributions are paid on

principles of insurance and would at the present rates be quite insufficient to cover the cost of the pensions ultimately payable if they were not levied till it became certain in each case that a pension would actually fall to be paid—just as no insurance company would agree to a life policy being taken out after the subject of it had actually died. The Government in fact guarantee the payment of an annuity commencing from a certain age and subject to such conditions as continued service and good conduct up to that age. It is a necessary condition of the acceptance by the Government of this liability that the monthly payments necessary to secure the annuity should be regularly made while the various risks involved, such as that of premature death, are still wholly contingent. Nor can the Government accept the view that the grant of pension in such a case is sufficiently justified by the fact of long and efficient service. It is an extremely rare proceeding to declare, as a reward of good service, that an officer's non-pensionable service should count for pension, and it does not seem advisable to permit that to be done in the case of foreign service and service under Local Boards which is practically inadmissible in the service of Government.

It is important, therefore, that the exact terms on which an officer is transferred should be considered and explained to him at the time the transfer is made. If it is intended that the right to count service for pension should continue, the payment of contributions should commence forthwith, and the officer should be warned that, if contributions are not paid at the time, arrear payments cannot subsequently be accepted except to the limited extent allowed under Article 832 of the Civil Service Regulations. The latter article, it may be noted, applies only to the cases of foreign service of the first and second kinds.

Several recent applications have shown that in respect of Article 863 it is necessary to explain that there is no authority for receiving pensionary contributions, arrear or otherwise, from a local body for individual employés selected from among its establishment. The rule in Article 863 of the Civil Service Regulations authorizes the Local Government to permit the administrators of a Local Fund to contribute for pensions from the General Revenues for the whole of its permanent employés or for any specified classes of them. It is intended that the contributions should be calculated upon the total of the sanctioned salaries of the appointments in respect of which they are paid, without reference to the question whether the particular individuals who at any time hold the appointments are rendering qualifying service or not. The effect of a transfer to service under a Local Fund in the case of any particular individual is, therefore, that his service under the Local Fund will qualify for a pension from General Revenues if the appointment to which he is transferred is one of a class for which

contributions are paid, whether his previous service under Government was qualifying or not; but it will not qualify if the appointment does not belong to such a class.

Finally, it must be remembered that officers transferred to foreign service remain subject to the general disciplinary rules of Government service;* that they may not receive extra remuneration, whether as increased pay or in any other form, without the sanction of the Government of India or the Local Government, as the case may be;† and that no officer, whether European, Eurasian or Native, in the service of, or in receipt of a pension from, the British Government may accept a pension or gratuity from the Native State in which he is employed except with the sanction of the Government of India.‡ Accordingly in the case of a medical officer, the rules 7§ regulating remuneration for attendance on Native Chiefs, Nobles and gentlemen of high position in a Native State continue to apply; while, except as provided in the rules last cited, permission is required before an officer who is actually occupying a Government appointment may undertake any duty on behalf of a Native State for remuneration. If the Native State and the officer concerned are subordinate to the same Local Government, the sanction of the Local Government is sufficient; in other cases the sanction of the Government of India is required. The same principle which forbids an alteration of pay also disallows a substantial change of duty without sanction."

* Article 806 (v), Civil Service Regulations.

† Article 806 (iv,) Civil Service Regulations.

‡ Article 840, Civil Service Regulations.

§ Notification of the Government of India in the Home Department, No. 437, dated 25th July 1893.

Circular of the same Department, No. 9 (Medical), dated the 19th October 1894.

(G. I., F. & C. Dept., No. 1282 P, dated 20th March 1899; *vide* G. R. No. 1996, dated 27th April 1899.)